

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EDWIN MUMPHREY, #74234,

Plaintiff,

v.

TOM WATSON, *et al.*,

Defendants.

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Case No. 6:19-CV-317-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. On August 20, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 11), recommending that the action be administratively closed pending the outcome of Plaintiff's criminal charges under *Wallace v. Kato*, 549 U.S. 384, 393–94 (2007).


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 11) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 11) be **ADOPTED** and that the above-styled civil action be **ADMINISTRATIVELY CLOSED** pending the outcome of Plaintiff's criminal charges under *Wallace v. Kato*, 549 U.S. 384, 393–94 (2007). All pending motions are **DENIED** as **MOOT**.

Plaintiff may ask the Court to place the case back on the active docket if and when the criminal charges are resolved in his favor. If Plaintiff is convicted or the criminal charges are finally resolved against him, then the case will be dismissed. The case will also be dismissed if the Court does not hear from Plaintiff within two years from the entry of this order administratively closing the case.

So **ORDERED** and **SIGNED** this **16th** day of **September, 2019**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE